

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIA COCCARO,

Plaintiff,

-v-

BARNARD COLLEGE,

Defendant.

23-CV-3809 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant, Barnard College, moves to stay discovery while its motion to dismiss is pending. Barnard College filed its letter motion to stay discovery on August 25, 2023. (ECF No. 28.) Plaintiff, Julia Coccaro, filed a letter in opposition on September 6, 2023. (ECF No. 29.) Barnard College filed a letter reply on September 11, 2023. (ECF No. 32.)

“If a motion to dismiss is pending, courts typically consider several factors in determining whether to stay discovery; including: (1) whether a defendant has made a strong showing that the plaintiff’s claim is unmeritorious, (2) the breadth of discovery and the burden of responding to it, and (3) the risk of unfair prejudice to the party opposing the stay.” *Alapaha View Ltd. v. Prodigy Network, LLC*, No. 20-CV-7572 (VSB), 2021 WL 1893316, at *2 (S.D.N.Y. May 10, 2021) (internal quotations and citations omitted).

As to the first prong, Plaintiff’s implied contract and unjust enrichment claims have a substantial likelihood of surviving a motion to dismiss. *See, e.g., Rynasko v. New York Univ.*, 63 F.4th 186, 198 (2d Cir. 2023); *Meng v. New Sch.*, No. 23-CV-3851 (JSR), 2023 WL 5162181, at *2-8 (S.D.N.Y. Aug. 11, 2023). As to the second prong, Defendant argues that discovery would be “voluminous and burdensome.” (ECF No. 32 at 2.) However, “Defendant’s vague and conclusory contentions are not sufficient to establish that the plaintiff’s discovery requests are

voluminous and burdensome.” *Mirra v. Jordan*, No. 15-CV-4100 (AT) (KNF), 2016 WL 889559, at *2 (S.D.N.Y. Mar. 1, 2016). Finally, as to the third prong, although Plaintiff does not advance any arguments regarding her risk of unfair prejudice, “due to Plaintiff’s inherent interest in proceeding expeditiously, the [third] factor weighs in favor of Plaintiff, albeit slightly.” *Poppel v. Rockefeller Univ. Hosp.*, No. 19-CV-1403 (ALC), 2019 WL 3334476, at *2 (S.D.N.Y. Jul. 25, 2019) (citation omitted). Taken together, these three factors weigh in favor of denying a stay of discovery.

Defendant’s request for a stay of discovery is DENIED.

The Clerk of Court is directed to close the motion at ECF No. 28.

SO ORDERED.

Dated: October 26, 2023
New York, New York



J. PAUL OETKEN
United States District Judge